IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 30TH JULY 2007 / 8TH SRAVANA 1929

WP(C).No. 14145 of 2007(H)

PETITIONER:

C.S.MADHUSOODANAN, SENIOR ASSISTANT,
ELECTRICAL CIRCLE, CHOTTANIKKARA, RESIDING AT
CHANDRA VILASAM, CHIRAKKADAVU, PONKUNNAM.

BY ADV. SRI.DILIP MOHAN

RESPONDENTS:
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1. CHIEF ENGINEER(HRM),
KERALA STATE ELECTRICITY BAORD,
VAIDUTHI BHAVAN, TRIVANDRUM.

2. EXECUTIVE ENGINEER,
ELECTRICAL DIVISION, TRIPUNITHURA.

3. ASSISTANT ENGINEER,
ELECTRICAL SECTION, CHAOTTANIKKARA.

BY ADV. SRI.K.S.ANIL, SC, KSEB
SRI. ASOK M.CHERIYAN, SC,

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 30/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 14145/2007 H

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE ORDER DT. 30/6/05 TRANSFERRING THE PETITIONER TO ELECTRICAL CIRCLE PALA.

EXT.P2. COPY OF THE REPRESENTATION DT. 23/3/07 TO THE R1.

EXT.P3. COPY OF THE GENERAL TRANSFER ORER DT. 21/4/2007.

EXT.P4. COPY OF THE RELIEVING ORDER ISSUED TO THE PETITIONER DT. 24/7/07 BY THE EXE. ENGINEER, ELECTRICAL DIVISION, TRIPUNITHURA.

RESPONDENT'S EXHIBITS **NIL**

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K.BALAKRISHNAN NAIR, J.

W.P.(C) No. 14145 of 2007

Dated this the 30th day of July, 2007.

J U D G M E N T

The petitioner is a Senior Assistant, working under the respondents. While he was working at Electrical Circle Chottanikkara, he was transferred by Ext.P1 to Electrical Circle, Pala. But, this order was never implemented by relieving him. So, he continued to work at Chottanikkara. Feeling aggrieved by the action of the competent authority in not relieving him, he filed Ext.P2 representation before the Chief Engineer (HRM) on 23-3-2007. While so, by Ext.P3 order has been passed on 21-4-2007 transferring him to Kasargod. This writ petition is filed, challenging Ext.P3 to the extent it transfers the petitioner. According to him, if Ext.P1 was implemented, he should not have been transferred now. The petitioner has been in Ernakulam since February, 2003.

2. The respondents have filed a counter affidavit stating that the transfer was ordered strictly going by the norms. In the light of understanding arrived at with the recognised trade unions of the K.S.E.B seniors were transferred out to Kasargod. So, the petitioner was also transferred, it is submitted.

3. This court can interfere with a transfer order, if only it is issued in violation of any statutory provision or vitiated by malafides. The petitioner

has not made out any such case in the writ petition. If the petitioner is aggrieved by the transfer, he may move the Electricity Board by filing suitable representation along with a copy of this judgment. In that event, the K.S.E.B will consider and pass orders on it, in accordance with law, within one month from the date of receipt of that representation. If no substitute has been posted, the petitioner shall be re-admitted in duty at Chottanikkara and allow him to continue there for two months or till the Electricity Board takes a decision on his representation, whichever is earlier.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR,
JUDGE.

MS